

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARLENA KELLY,

Plaintiff,

vs.

THOMAS ANDERSON, RODNEY
GNUSE, and HOWARD NEUHAUS,

Defendants.

8:18CV470

**MEMORANDUM
AND ORDER**

This matter is before the court on correspondence from Plaintiff which the court liberally construes as a Motion for Extension of Time to File Notice of Appeal ([filing no. 10](#)) and a Motion for Leave to Appeal in Forma Pauperis (“IFP”) ([filing no. 11](#)). The court entered a Memorandum and Order and Judgment (filing nos. [8](#) & [9](#)) dismissing this matter without prejudice on February 25, 2019.

Rule 4 of the Federal Rules of Appellate Procedure requires a party to file a notice of appeal within 30 days after the challenged judgment is entered. [Fed. R. App. P. 4\(a\)\(1\)](#). Rule 4(a)(5) allows a party to move the district court to extend the time to file a notice of appeal if “(a) he moves no more than thirty days after the original thirty day deadline has passed, and (b) he shows good cause.” [Pugh v. Minnesota](#), 380 Fed. Appx. 558, 559 (8th Cir. 2010).

Here, Plaintiff has filed a timely motion to extend the time to file her notice of appeal. For good cause shown, the court will grant Plaintiff’s motion. Plaintiff has until **April 26, 2019**, to file her notice of appeal. *See* [Fed. R. App. P. 4\(a\)\(5\)\(C\)](#) (no extension under Rule 4(a)(5) may exceed 30 days after prescribed time to file notice of appeal or 14 days after date when order granting motion is entered, whichever is later).

The court expressly defers consideration of Plaintiff's Motion for Leave to Appeal IFP ([filing no. 11](#)) until such time as Plaintiff files a notice of appeal and until further order of the court.

IT IS THEREFORE ORDERED that:

1. Plaintiff's correspondence, construed as a Motion for Extension of Time to File Notice of Appeal ([filing no. 10](#)), is granted. Plaintiff shall have until **April 26, 2019**, to file a notice of appeal.
2. The clerk of the court is directed to send to Plaintiff the form notice of appeal (civil).
3. The court defers consideration of Plaintiff's Motion for Leave to Appeal IFP ([filing no. 11](#)) until further order of the court.
4. The clerk of court is directed to set a pro se case management deadline using the following text: **April 26, 2019**: check for notice of appeal.

Dated this 29th day of March, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge